

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PAUL RUDOLPH FOUNDATION, INC.,

Plaintiff,

-v-

PAUL RUDOLPH HERITAGE FOUNDATION and  
ERNST WAGNER,

Defendants.

CIVIL ACTION NO.: 20 Civ. 8180 (CM) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Defendants’ request for an order directing Plaintiff “to properly redesignate the documents it produced” as “Confidential – Attorneys’ Eyes Only” (“AEO”), or “find that the AEO designation should be lifted from all documents” (ECF No. 119 (the “Request”)) is DENIED WITHOUT PREJUDICE to renewal on a showing of compliance with the Court’s Individual Practices, which provide that “[t]he Court will not hear any discovery dispute unless the moving party . . . has first conferred in good faith with any adverse party to resolve the dispute.” Ind. Prac. ¶ II.C.1. “An exchange of letters or emails alone does not satisfy this requirement.” Id. Accordingly, Defendants shall confer with Plaintiff and, if the parties are unable to resolve their dispute, Defendants may renew the Request. In accordance with the Court’s Individual Practices, Plaintiff shall “respond promptly and in good faith” to Defendants’ request to confer. Id.

Dated: New York, New York  
December 19, 2022

SO ORDERED.

  
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**SARAH L. CAVE**  
United States Magistrate Judge